

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0055

FILED

MAR 10 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

SCOTT P. HEDDINGS,

Petitioner and Appellant,

v.

ORDER

STATE OF MONTANA,

Respondent and Appellee.

Self-represented appellant Scott P. Heddings (Heddings) filed a Notice of Appeal and requested leave to proceed without paying the filing fee and that transcripts be provided to him at no cost. Heddings reasons that he is indigent, and therefore entitled to transcripts at no cost.

Section 3-5-604(5)(b) provides for transcripts at the expense of the Office of Court Administrator when an indigent party is eligible for a public defender, but is self-represented. However, in the absence extraordinary circumstances, under § 46-8-103, MCA, a defendant's entitlement to appointed counsel is limited to the trial proceeding in district court and a direct appeal to this Court.

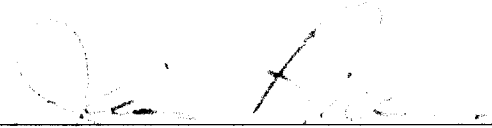
We note that Heddings exhausted his remedy of appeal in *State v. Heddings*, 2008 MT 169, 198 P.3d 242, in which we affirmed the District Court. The present appeal is taken from a Cascade County District Court order denying Heddings relief in a petition for postconviction relief. No extraordinary circumstances have been shown to exist. Therefore,

IT IS ORDERED:

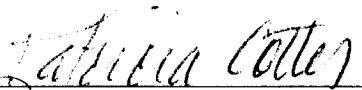
1. Leave to proceed without paying the filing fee is GRANTED.
2. The request for transcripts at no cost is DENIED.

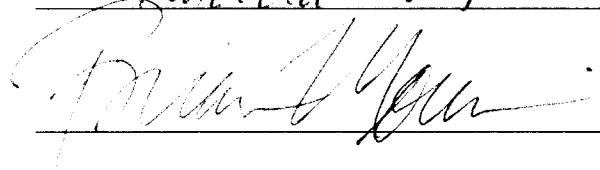
The Clerk is directed to provide a copy of this Order to counsel of record and to Heddings.

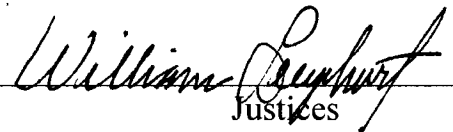
DATED this 9th day of March, 2010.











Justices